

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of the
SOUTHERN CALIFORNIA EDISON COMPANY
(U 338-E) for Authority to Lease Available Land
Located on the Barre-Ellis Transmission Right of
Way to Huntington Center Associates, LLC

Application 03-12-007
(Filed December 5, 2003)

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

Summary

Pursuant to Rules 6(a) and 6.3 of the Commission's Rules of Practice and Procedure (Rule),¹ this ruling sets the procedural schedule, assigns the principal hearing officer, and addresses the scope of the proceeding.

Background

Applicant Southern California Edison Company (SCE), an electric public utility regulated by this Commission, seeks authority under Pub. Util. Code § 851 to lease 5.8 acres of land on the Barre-Ellis transmission right of way to an unregulated entity, Huntington Center Associates, LLC (HCA). No protests have been filed.

¹ Unless otherwise indicated, all subsequent citations to rules refer to the Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

Scope of the Proceeding

The broad issue in this proceeding is whether the Commission should approve SCE's request to lease the described land to HCA. In considering this issue, the Commission must review the terms of the parties' agreement, which is attached to the Application, and determine whether the agreement is consistent with the public interest. In reaching its conclusion, the Commission will need to consider the impact the lease would have on SCE's ratepayers, including SCE's ability to serve those customers, as well as the guidance provided by precedent.

Schedule

At this time it does not appear that hearings will be necessary. If more detailed review of the application confirms that this proceeding may be resolved on an ex parte basis, no hearings will be scheduled and the assigned administrative law judge (ALJ) will prepare a draft decision in accordance with Rule 77.7. The draft decision will be prepared as quickly as possible, considering competing demands on the ALJ's caseload, and following preparation, will be included on the agenda for the first Commission meeting permitted by applicable public meeting laws. At this time I foresee no reason that this application cannot be processed within the 18-month timeline mandated by Pub. Util. Code §1701.5, and I anticipate that the timeline will be considerably shorter, with a draft decision issued within the first quarter of 2004.

Category of Proceeding and Need for Hearing

This ruling confirms that this is a ratesetting proceeding and that no hearings are anticipated, as preliminarily determined in Resolution ALJ 176-3125, which was issued on December 18, 2003.

Ex Parte Rules

Pursuant to Rule 6.6, given the determination in this ruling that no hearings will be required, ex parte communications are permitted, as provided in Rule 7(e).

IT IS RULED that:

1. The scope of the proceeding is as set forth herein.
2. The schedule for this proceeding is set forth herein.
3. This ruling confirms that this proceeding is a ratesetting proceeding and that hearings are not anticipated.
4. Given the determination in this ruling that no hearings are required, ex parte communications are permitted, as provided in Rule 7(e).

Dated January 30, 2004, at San Francisco, California.

/s/ GEOFFREY F. BROWN

Geoffrey F. Brown
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated January 30, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.